

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

This amendment cancels claims 1, 2, 10-14, 16, 31, and 32 and amends claims 18, 19, and 33-37. Also, by this amendment, corrected Figs. 1 and 2 are being submitted.

Claims 18, 19, 34, and 35 have been amended per the Examiner's suggestions. The amendments to claims 18, 19, 34 and 35 overcome the rejection of claims 18-21, 23, 34, and 35 as being indefinite under 35 U.S.C. §112, second paragraph. Since claims 18-21 and 23 were indicated as being allowable if amended to overcome the 35 U.S.C. §112, second paragraph rejection, allowance of claims 18-21 and 23 is respectfully requested.

The amendment to claim 37, which was indicated as allowable, rewrites claim 37 in independent form. Therefore, allowance of claim 37 is respectfully requested.

Claim 36, which has been rewritten in independent form by this amendment, was rejected as failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph. Particularly, the Office Action states that the original disclosure fails to provide support for the spool being a "one-piece structure." This rejection of claim 36 is respectfully traversed.

To satisfy the written description requirement, the disclosure "does not have to describe exactly the subject matter claimed." Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555,

1564 (Fed. Cir. 1991). The test for determining whether an application meets the written description requirement of 35 U.S.C. §112, first paragraph is "whether the disclosure of the application relied upon reasonably conveys to a person skilled in the art that the inventor had possession of the claimed subject matter at the time of the [earliest claimed] filing date." Eiselstein v. Frank, 52 F.3d 1035, 1039 (Fed. Cir. 1995). In showing that one of ordinary skill in the art would recognize the claimed subject matter in the disclosure, the applicant(s) may rely upon the subject matter disclosed in the specification, the drawings and the originally filed claims. See generally, Vas-Cath Inc., 935 F.2d at 1565, and In re Gardner, 178 USPQ 149 (CCPA 1973).

It is respectfully suggested that the original disclosure of the present invention discloses to one of ordinary skill in the art that, at the time of filing the present application, the inventors had possession of the concept of the spool being a "one-piece structure." The inventors' possession of the concept of the one-piece spool is evident after consideration of Figs. 2 and 3 of the present invention along with the description of the spool in the specification.

The specification recites that "[t]he spool has a cylindrical axle 66, a first support wall 68, and a second support wall 70." (Pg. 9, lines 17-19). With references to Figs. 2 and 3, it is clear that the spool 34, including the axle 66, the first support wall 68, and the second support wall 70, are formed as a one-piece structure from the same type of material. Particularly with reference to the cross-

sectional view of Fig. 2, the entire spool 34, including the axle 66, the first support wall 68, and the second support wall 70, is formed from a common piece of material. Fig. 2 includes the same crosshatching for the entire spool 34 and does not illustrate any break lines on the spool, which would indicate separates parts secured together.

Fig. 3 also supports the one-piece construction of the spool 34. As set forth in the specification at page 3, lines 19-20, Fig. 3 is an exploded view of the retractor of Fig. 2. Fig. 3 shows the spool 34 as a one-piece structure and does not show other structures or parts attached to the spool. Thus, as shown in Fig. 3, the spool 34 is a one-piece structure and is not formed from separate structures secured together, as is recited in claim 36. Therefore, it is respectfully suggested that the specification and the drawings of the original disclosure disclose to one of ordinary skill in the art that, at the time of filing of the present application, the inventors of the present application had possession of the concept of a "one-piece" spool. Therefore, withdrawal of the rejection of claim 36 for failing to meet the written description requirement of 35 U.S.C. §112, first paragraph is respectfully requested.

Claim 36 also stands rejected as being anticipated under 35 U.S.C. §102(b) by Sawato, JP 10-167003. This rejection of claim 36 is also traversed.

Claim 36 recites a gear assembly that includes a gear that is driven by the electric motor and a plurality of gear teeth that are formed on a surface of the spool. Claim 36

also recites that the spool is a one-piece structure and is not formed from separate structures secured together.

One of ordinary skill in the art, with reference to Figs. 3 and 5 of Sawato, would determine that reference 203 illustrates a gear that is attached to the spool and that is a separate part from the spool. Particularly, with reference to Fig. 5, the gear 203 appears to be fixed on an axle of the spool in abutting engagement with a side wall portion of the spool. Also, with particular reference to Fig. 3, the spool of Sawato appears to be formed from a plurality of parts secured together. Thus, Sawato fails to disclose to one of ordinary skill in the art a plurality of gear teeth that are formed on a surface of the spool. Sawato also fails to disclose to one of ordinary skill in the art a spool that is a one-piece structure and is not formed from separate structures secured together. Since Sawato fails to disclose these features of claim 36, the rejection of claim 36 as anticipated by Sawato is improper and allowance of claim 36 is respectfully requested.

Claims 33-35 have been amended to depend from claim 36 and are allowable for at least the same reasons as set forth with regard to claim 36.

This amendment raises no new issues that would require further searching. In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in  
the fees for this amendment to our Deposit Account

No. 20-0090.

Respectfully submitted,



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